

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 3827-03
BILL NO. HB 1928
SUBJECT: Private Prisons
TYPE: Original
DATE: February 28, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Labor and Industrial Relations** and the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Department of Correction's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 26 new pages of regulations in the Code of State Regulations at a cost of \$26.50 per page, and 39 new pages in the Missouri Register at a cost of \$22.50 per page. Costs due to this proposal would be \$1,566.50, the actual fiscal impact would be dependent upon the actual rulemaking authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

Oversight assumes SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

The Department of Corrections and various local sheriffs' offices did not respond to Oversight's request for fiscal information.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0

FISCAL IMPACT - Small Business

Contractors in the business of providing prison services could be impacted by this proposal.

DESCRIPTION

The proposed legislation establishes guidelines for the operation of private prisons. Private prisons are required to offer certain correctional services in accordance with standards established by the American Correctional Association. Private prisons will operate under the same guidelines as state correctional facilities. Private providers may make recommendations concerning good time adjustments, but may not calculate inmate release time; grant, retract, or restore sentence reductions; or authorize any type of leave. Site selection criteria must meet all requirements prescribed by the Bureau of Prisons and the American Correctional Association.

A private prison is not a public body and will not be considered a part of the state's correctional system. Inmate records from a private prison are subject to public disclosure in accordance with state and federal law. All private providers operating in this state must adopt all standards established by the American Correctional Association and must receive accreditation from the association within 3 years.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Labor and Industrial Relations
Office of Secretary of State
Office of State Courts Administrator

NOT RESPONDING: Department of Corrections, St. Louis County Sheriff, Boone County Sheriff, Cole County Sheriff, Miller County Sheriff, and Jackson County Sheriff.



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Director
February 28, 2000